

Bryan K. Catlett appeals the order he serve the sentence herein consecutive to a sentence previously entered by the same trial court. He claims the court erroneously believed it was required to order the sentences served consecutively and the single aggravator is insufficient to support consecutive sentences. Because his consecutive sentences were required by statute, *see* Ind. Code § 35-50-1-2(d)(2), we affirm.

FACTS AND PROCEDURAL HISTORY

About August 24, 2005, Catlett went to a neighbor's garage and took a Craftsman chainsaw. The neighbor's ten-year-old daughter saw Catlett leave the garage with the chainsaw, which was never recovered. On September 9, 2005, the State charged Catlett with theft, a Class D felony, under Cause Number 84D03-0509-FD-2430 ("FD-2430"). On October 6, 2005, Catlett was "released on his own recognizance" pending trial. (Appellant's App. at 2.)

Soon thereafter, Catlett engaged in unidentified acts for which the State charged him, under Cause Number 84D03-0510-FB-2847 ("FB-2847"), with burglary as a Class B felony and receiving stolen property as a Class D felony. He was tried on April 27, 2006, and found guilty of receiving stolen property. The court sentenced him to two-and-one-half years imprisonment for that Class D felony.

Then, on August 1, 2006, a jury trial commenced on FD-2430. The jury found him guilty. The court sentenced him to three years of imprisonment and ordered the sentence served consecutive to the sentence imposed in FB-2847.

DISCUSSION AND DECISION

Catlett argues “it is improper for the Court to run the two said sentences consecutively because the second offense was tried first.” (Appellant’s Br. at 7-8.) He admits he “was out on bond on this instant offense when he allegedly committed the other crime.” (*Id.* at 8.) However, he asserts “the rule for mandatory consecutive sentencing does not apply” because “he was not on bond or released on his own recognizance when he is alleged to have committed this particular instant offense.” (*Id.*)

Ind. Code § 35-50-1-2 explains when a trial court may or must impose consecutive or concurrent sentences. Subsection (d) of that section provides:

If, after being arrested for one (1) crime, a person commits another crime:
(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or
(2) while the person is released:
 (A) upon the person’s own recognizance; or
 (B) on bond;
the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(Emphasis added.)

In light of that clear direction from the legislature, we reject Catlett’s assertion that the order in which his crimes were tried has any impact on the requirement his sentences be served consecutively. Because the court did not err in ordering the sentence herein served consecutive to the sentence in FB-2847, we affirm.

Affirmed.

MATHIAS, J., and NAJAM, J., concur.